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10/766,724	01/27/2004	Masashi Takubo	2271/71526	3447

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EXAMINER

WASHINGTON, JAMARES

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/766,724	TAKUBO, MASASHI	
	Examiner	Art Unit	
	JAMARES WASHINGTON	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 17, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 17, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendments and response received July 14, 2008 have been entered. Claims 1-12, 14, 15, 17, 18, 20 and 21 are currently pending. Claims 1-10 and 20 have been amended to attempt to further distinguish applicant's invention from the prior art of record. Amendments and response are addressed hereinbelow.

Claim Objections

1. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The image data is first stored in the first image data storing mechanism and the copy of the image data is canceled from being stored in the second image data storing mechanism if deemed confidential. This means the image data is stored in the first image data storing mechanism regardless of the subsequent processing and would be saved in the first image data storing mechanism only when the data is deemed confidential.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in view of Yuval Ofek et al (US 7107395 B1), and further in view of John Thome et al (US 5958005).

Regarding claim 1, Ohhashi et al discloses a facsimile apparatus (Fig. 8 numeral 1; Col. 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 public line) and a local area network (Fig. 8 numeral 6 LAN), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first storing mechanism configured to be inaccessible through the local area network (Fig. 7 numeral 23 "Fourth memory". Inaccessibility shown from the connection of the fourth memory to the control section 16 and the absence of a connection to the outside world);

a second image data storing mechanism configured to store image data representing a document image, and to be accessible through the local area network (Fig. 7 numeral 20 "First memory". Accessibility shown through the connection of the first memory to modules 15 "Email sending/receiving section and module 14 "Fax sending/receiving section".);

a confidential data determining mechanism ("... specific document judging means" at column 3 line 63) configured to determine whether the received document image data is confidential ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64); and

Ohhashi et al fails to disclose wherein the first storing mechanism is an image data storing mechanism configured to store image data.

However, Ofek et al teaches a first storing mechanism configured to store data in a primary storage (Fig. 8 numeral 80a Primary storage nodes. "In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a" at column 14 line 18).

Given the structure of a first storing mechanism (memory) disclosed by Ohhashi et al and the teachings of Ofek et al wherein the functionality is taught by a primary "storing mechanism" being used to store data and a second "storing mechanism" being used for backup purposes, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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for the apparatus as disclosed by Ohhashi et al wherein a plurality of memories are used to use a memory for primary storage and a memory for backup of incoming image data. Data backup and/or duplication in a storage device other than the primary storage device is widely practiced in the art of image processing in case of hard drive failure and corruption. Although Ofek et al does not teach the method of backing up data in a facsimile apparatus, the reference does teach backing up data in a "computer related environment". Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art. *Note – a storing mechanism which stores image data is an image data storing mechanism.

Ohhashi et al fails to disclose a backup arranging mechanism configured to store received document image data into the first image data storage mechanism and a copy of the received document data in the second image data storage mechanism.

However, Ofek et al teaches, in the same field of endeavor of providing dual memory backup storage for computer related file archiving, a backup arranging mechanism configured to store received document data into the first storage mechanism (Fig. 8 numeral 80a Primary storage nodes. "In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a" at column 14 line 18) and a copy of the received document data in the second storage mechanism (Fig. 8 numeral 87 "The enterprise storage network 89 may also include a secondary storage node 87. The secondary storage node may be used for backup functions" at column 14 line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the backup method as disclosed by Ofek of storing received document data into a primary storage and backing the data up to secondary storage into the apparatus and memory as disclosed by Ohhashi because corruption, hard drive failure, and data may mistakenly get erased on the primary drive.

Ohhashi fails to disclose a controlling mechanism configured to cause the backup arranging mechanism to cancel storing the copy of the received document image data into the second image data storing mechanism, if the received document data is determined to be confidential by the confidential data determining mechanism.

Thome, in the same field of endeavor of managing security of electronic documents ("This invention relates in general to methods and systems for managing the security of electronic documents stored in an interactive information handling system, and more particularly relates to the controlling of the confidentiality of electronic mail communications over networks" at column 1 line 4) teaches a controlling mechanism (computer software implemented) configured to cause the backup arranging mechanism to cancel storing the copy of the received document data into the second image data storing mechanism, if the received document data is determined as confidential by the confidential data determining mechanism ("At 542 the system ascertains whether archiving has been enabled. If the response is negative archiving is disabled and the message archive icon and associated menu are deactivated. Archiving is inhibited" at column 10 line 21). The above apparatus can be configured to disable archiving or copying (shown in Fig. 3) when the confidential message flag is set.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means, as taught by Thorne, for canceling or disabling archiving of confidential messages in the apparatus as disclosed by Ohhashi to "provide a method for managing the retention of pre-selected data in a manner to effectuate the desired degree of security for designated information" (column 4 line 1, Thorne).

Regarding claim 4, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network as recited in claim 1, comprising:

communicating means for performing a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

first image data storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 1);

second image data storing means accessible through the local area network for storing image data (see rejection of claim 1);

backup arranging means for storing received document image data into the first image data storing means and a copy of the received document image data into the second image data storing means (see rejection of claim 1);

confidential data determining means ("... specific document judging means" at column 3 line 63) for determining whether the received document image data is confidential ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64); and

controlling means for causing the backup arranging means to cancel storing the copy of the received document image data into the second image data storing means, if the received document image data is determined to be confidential by the confidential data determining means (see rejection of claim 1).

Regarding claim 7, Ohhashi et al discloses the method as performed by the apparatus as rejected in claim 1 above.

Regarding claim 21, the facsimile apparatus of claim 1, wherein if the confidential data determining mechanism determines that the received document image data is confidential, the received document image data is stored in the facsimile apparatus only in said first image data storing mechanism that is inaccessible through the local area network (see rejection of claim 1 wherein the image data is stored in the first image data storing mechanism and the copy of the image data is canceled from being stored in the second image data storing mechanism. This means the image data is only stored in the first image data storing mechanism).

4. Claims 2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in view of Yuval Ofek et al (US 7107395 B1).

Regarding claim 2, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network (see rejection of claim 1), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation (see rejection of claim 1);

a first image data storing mechanism configured to store image data representing document image and to be inaccessible through the local area network (see rejection of claim 1);

a second image data storing mechanism configured to store image data and to be accessible through the local area network (see rejection of claim 1);

a backup arranging mechanism configured to store received document image data into the first image data storing mechanism and a copy of the received document image data into the second image data storing mechanism (see rejection and motivation of claim 1);

a confidential data determining mechanism ("... a specific image judging section" at column 3 line 63) configured to determine whether the received document image data stored in the second image data storage mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second image data storage mechanism from an external terminal through the local area network ("...(ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via-a communications network" column 4 line 35); and

a control mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data transmission request from the external terminal through the local area network, if the received

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document image data is determined to be confidential by the confidential data determining mechanism ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Regarding claim 5, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network (see rejection of claim 1), comprising:

communicating means for performing a facsimile communications operation (see rejection of claim 4);

first image data storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 4);

second image data storing means accessible through the local area network for storing image data (see rejection of claim 4);

backup arranging means for storing received document image data into the first image data storing means and a copy of the received document image data into the second image data storing means (see rejection of claim 2 above);

confidential data determining means ("... a specific image judging section" at column 3 line 63) for determining whether the received document image data stored in the second image data storing means (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second

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image data storing means from an external terminal through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network" column 4 line 35); and

controlling means (Fig. 7 numeral 16 "control section") for refusing the data transmission request from the external terminal through the local area network, if the received document image data is determined to be confidential by the confidential data determining means ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Regarding claim 8, Ohhashi et al discloses a communications method as performed by the apparatus as rejected in claim 2 above.

5. Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi and Ofek in view of Shell S. Simpson et al (US 20040036907 A1).

Regarding claim 3, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network (see rejection of claim 1), comprising:

facsimile communications mechanism configured to perform a facsimile communications operation (see rejection of claim 1);

a first image data storing mechanism configured to store image data representing a document image and to be inaccessible through the local area network (see rejection of claim 1);

a second image data storing mechanism configured to store image data and to be accessible through the local area network (see rejection of claim 1);

a backup arranging mechanism configured to store received document image data into the first image data storing mechanism and a copy of file received document image data into the second image data storing mechanism (see rejection of claim 2);

a confidential data determining mechanism ("...a specific image judging section" at column 3 line 63) configured to determine whether the received document image data stored in the second image data storage mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second image data storage mechanism from a web browser through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communication network" column 4 line 35. A communications network encompasses the internet and therefore reads on an internet web browser);

a controlling mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data transmission request from the web browser through the local area network, if the received document image data is determined to be confidential by the confidential data determining mechanism ("...(iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted

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image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Ohhashi et al fails to teach a web server mechanism configured to allow a web browser to show received document data.

However, Simpson et al teaches, in the same field of endeavor of controlling inbound facsimile transmissions ("The present invention relates to a system and methods for storing facsimile messages for later use" at paragraph [1], Simpson), a web server ("This is particularly powerful when using web applications (applications running on a server that exposes their user interface through web pages)" at paragraph [20], Simpson) configured to allow a web browser to show received document data ("In other instances, facsimile messages are sent via e-mail or are deposited in a web-based repository associated with a domain name" at paragraph [24]. "Facsimile messages stored by web-based repositories are usually stored as image files for facilitating viewing with a web-browser" at paragraph [24]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Simpson where the images are deposited into a web server to allow viewing of documents from a web browser with the apparatus and method disclosed by Ohhashi et al of secure facsimile document reception and transmission because the web browser has emerged as a universal messaging client and would appeal to a greater user base.

Regarding claim 6, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network, comprising:

communicating means for performing a facsimile communications operation (see rejection of claim 4);

web server means for allowing a web browser to show received document data (see rejection of claim 3);

first image data storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 1);

second image data storing means accessible through the local area network for storing image data (see rejection of claim 1);

backup arranging means for storing received document image data into the first image data storing means and a copy of the received document image data into the second image data storing means (see rejection of claim 4);

confidential data determining means for determining whether the received document image data stored in the second image data storing means is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second image data storing means from a web browser through the local area network (see rejection of claim 4); and

controlling means for refusing the data transmission request from the web browser through the local area network, if the received document image data is determined as confidential by the confidential data determining means (see rejection of claim 4).

Regarding claim 9, Ohhashi et al discloses a communications method as performed by the apparatus as rejected in claim 3.

6. Claims 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al, Ofek et al and Simpson et al as applied to claim 9 above, and further in view of well-known principles in the art of image processing.

Regarding claim 10, Ohhashi et al discloses a communications method for a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 9 above. Ohhashi et al fails to teach a computer readable data recording medium storing a program which causes a computer to execute operations according to the communications method for a facsimile apparatus stated and rejected above in claim 9.

However, it is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer (processor/software) implemented. It is well known in the image processing arts that a computer implemented method performed by an apparatus must contain a program residing on a "computer readable data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize, a computer readable data recording medium which stores the program for performing the above method as rejected in claim 9, in the invention disclosed by the Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 17, Ohhashi et al discloses a machine readable medium embodying a program of instructions executable by the machine (see rejection of claim 10) to perform the method as rejected in claim 9.

Regarding claim 18, Ohhashi et al discloses a computer system, comprising: a processor (There must exist a processor which carries out the processes described throughout the reference. (e.g., "...the following will explain operational processes in the digital image forming device according to the present embodiment in the case where a request for image data transmission is sent from an external device, such as the computer 3B or the like, via the Internet 5 and the LAN 6" at column 24 line 19, Ohhashi)); and a program storage device readable by the computer system, tangibly embodying a program of instructions executable by the processor to perform the method claimed in claim 9 (see rejection of claim 10).

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al, Ofek et al and Thome et al as applied to claim 7 above, and further in view of well-known principles in the art of image processing.

Regarding claim 11, Ohhashi et al discloses the method claimed in claim 7. Ohhashi et al fails to disclose a machine readable medium embodying a program of instructions executable by the machine to perform the method as rejected above.

It is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer implemented. It is well known in the image

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processing art that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 7, in the invention disclosed by Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 12, Ohhashi et al discloses a computer system (facsimile device as rejected in claim 1 above is a "computing system"), comprising:

a processor (There must exist a processor to control and implement the "processes" described in the rejection of claim 7 above) ; and

a program storage device readable by the computer system, tangibly embodying a program of instructions executable by the processor (see rejection of claim 11) to perform the method as rejected in claim 7.

8. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al and Ofek et al as applied to claim 8 above, and further in view of well-known principles in the art of image processing.

Regarding claim 14, Ohhashi et al discloses the method as rejected in claim 8 above.

Ohhashi et al fails to disclose a machine readable medium embodying a program of instructions executable by the machine to perform the method as rejected above.

It is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer implemented. It is well known in the image processing art that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 8, in the invention disclosed by Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 15, Ohhashi et al discloses a computer system (Fig. 1 numeral 1), comprising: a processor (Processor which carries out the processes described throughout the reference. "...the following will explain operational processes in the digital image forming device according to the present embodiment in the case where a request for image data transmission is sent from an external device, such as the computer 3B or the like, via the Internet 5 and the LAN 6" at column 24 line 19, Ohhashi); and the program storage device as rejected in claim 14.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al, Ofek et al, and Thorne et al as applied to claim 1 above, and further in view of Stephen Larry McBride (US 6757698 B2).

Regarding claim 20, Ohhashi et al discloses the facsimile apparatus as rejected in claim 1.

Ohhashi et al fails to disclose or fairly suggest wherein said backup mechanism checks contents of the first and second storing mechanism, and if one of the first and second storing mechanisms includes non-confidential contents that are not in the other of the first and second storing mechanisms, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms.

McBride, in the same field of endeavor of electronic data backup, teaches a backup mechanism checks contents of the first and second storing mechanism (“... a mirroring agent application running at each node periodically checks predetermined files and/or data to determine whether such files/data have changed. Upon the agent at the node finding that a file/data has changed, the agent commences to check with agents at other pre-determined nodes to see whether the file/data needs to be updated at the other nodes” at column 14 line 65), and if one of the first and second storing mechanisms includes non-confidential contents (which is already determined by the teachings of Thorne et al in claim 1 rejection above; only non-confidential data is configured to be copied or archived) that are not in the other of the first and second storing mechanism, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms (“... communicate with the B agent to determine if the B node (305) contains a version of the data different from that stored on the A node (306); if so, determine along with the B agent which version is more current; and assuming the A version is more current, send the A

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version to B, upon which B appropriately updates the B version of the file/data in storage (312) with the data received from node A (306)” at column 15 line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method as taught by McBride of checking the contents of a storage device with the contents of a backup device to synchronize the memory devices with the backup mechanism as taught by Ohhashi et al in which non-confidential data is backed up to a remote publicly accessible storage unit because it would keep the data contained in both storage locations synchronized and updated.

*Note – The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice.
MPEP 2144.02

Response to Arguments

10. Applicant's arguments filed July 14, 2008 have been fully considered but they are not persuasive.

Applicant's remarks: Ohhashi does NOT disclose or suggest anywhere that one of the specific pre-registered document contains confidential data and/or a scanned document image is compared with such pre-registered document to determine that the scanned document image contains confidential data. As previously pointed out, the specific pre-registered

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documents...that Ohhashi is concerned with detecting are not confidential at all but rather typically changes hands between transacting parties as forms of liquid assets. The aspect in the present application of determining whether received document image data is confidential is simply not disclosed, suggested or otherwise rendered obvious by the cited references.

Examiner's response: As previously stated, Ohhashi clearly discloses specific documents including "those, copying of which is strictly prohibited...[such as] official documents..., and..., **“secret documents”**" (at Col. 15 lines 12-17, Ohhashi). Although forged documents, such as paper money and valuable securities, are certain types of documents which are disclosed within the reference, Ohhashi also makes mention of **“secret documents”** which are clearly confidential. If Applicant can show how confidential is different in scope from "secret", as disclosed by the prior art of record (Col. 15 lines 16-17), then Examiner will concede the fact that Ohhashi et al says NOTHING WHATSOEVER regarding confidential data. Determining whether received document image data is confidential is clearly taught as rejected above ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64 in which a specific document can be a "secret document").

Applicant's remarks: The cited art also fails to disclose or suggest storing received document image data into a first image data storing mechanism inaccessible through the local area network, and only if the received document data is determined to be not confidential, allowing a copy of the received document image data to be stored in a second image data storing mechanism accessible through the local area network.

Although an unused memory might be configured to store image data, the memory 23 of Ohhashi is allocated for storing specific data that is NOT image data, and such memory 23 is simply NOT configured for storing image data representing a document image. The memory 23 is coincidentally inaccessible through the local area network because it is allocated for storing internal data that is relevant only to the operation of the transmission device of Ohhashi and this is no concern to external devices. Ohhashi does not disclose or suggest that the memory 23 should be inaccessible through the local area network to keep external devices from having access to the data stored in the memory 23.

Examiner's response: Again, the structure disclosed by Ohhashi as memory 23 is used for illustrating the structure of a first storing mechanism. The functional limitations of "storing image data" are clearly taught in view of Ofek wherein the functionality is taught by a primary "storing mechanism" being used to store data and a second "storing mechanism" being used for backup purposes, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus as disclosed by Ohhashi et al wherein a plurality of memories are used to use a memory for primary storage and a memory for backup of incoming image data. Data backup and/or duplication in a storage device other than the primary storage device are widely practiced in the art of image processing in case of hard drive failure and corruption. Furthermore, the structure of the apparatus taught by Ohhashi is fully capable of performing each and every one of the functional limitations recited in claim 1 as indicated in the rejection above. Examiner realizes the memory of Ohhashi is not configured for storing image data which is the purpose of bringing in a secondary reference, Ofek, which explains the purpose

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of configuring the “structure” of the memory disclosed by Ohhashi to store image data and to realize the process of data backup. What a reference teaches or suggests must be examined in the context of the knowledge, skill, and reasoning ability of a skilled artisan. What a reference teaches a person of ordinary skill is not limited to what a reference specifically “talks about” or what is specifically “mentioned” or “written” in the reference. (Also see arguments previously presented in the Office Action dated May 19, 2008).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARES WASHINGTON whose telephone number is

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(571)270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2625

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October 28, 2008